



**City of Bellevue
Development Services Department
Land Use Division Staff Report**

Proposal Name: Lakecrest Division II Short Plat Amendment

Proposal Address: 4130, 4140 and 4150 164th Court SE

Proposal Description: Application for Short Plat Amendment to revise the Tree Preservation plan of a recorded Final Short Plat. The project received Preliminary Short Plat approval from King County. The Final Plat approval was completed by the City of Bellevue pursuant to Interlocal Agreement #17333 after the parcel was annexed into the City of Bellevue in 2012. The Final Short Plat was recorded under King County Recording # 20141223900009. The applicant proposes to reduce the number of trees retained within the short plat and revise the specific trees to be retained.


File Number: 16-126973-LF

Applicant: Summit Homes of Washington, LLC
Bryan White

Decisions Included: Administrative Decision for a Modification to an approved Final Short Plat through Process II, Land Use Code 20.45B.240.

State Environmental Policy Act Threshold Determination: Exempt (WAC 197-11-800(6)(a))
N/A

Department Decision: **Approval with Conditions**


Carol L. Orr
Development Services Department

Application Date: 3-18-2016
Notice of Application: 6-9-2016
Decision Publication Date: 9-1-2016
Appeal Deadline: 9-15-2016

I. Description of Proposal

Summit Homes of Washington, LLC has applied for a Final Short Plat Amendment to revise the number of trees required to be retained on Lots 2 and 3 of the recorded Final Short Plat. The three lot short plat was initiated in King County, and approved in 2006 under permit # L06S00071. The engineering plans, wherein the tree retention was reviewed, was approved by King County in 2011. After annexation into the City of Bellevue, in 2012, the Final Plat application was reviewed by City of Bellevue staff under King County Code, as per Interlocal Agreement 17333. The final short plat map was recorded with King County in 2014 and assigned recording # 20141223900009. The applicant is proposing to modify the number of trees required to be retained on site and revising the specific trees to be retained. The applicant believes the tree retention requirements of King County Code 16.82.156.A.4 was applied improperly causing more trees to be retained above the minimum required. The proposed revision to the Tree Retention plan is sufficient to provide the minimum number of trees required per King County Code 16.82.156.A.4 and B.3 and meets the intent of the King County Code for the original final short plat approval.

II. Site Description and Context

The short subdivision is located near the intersection of 164th Ave SE and SE Newport Way. All 3 lots are accessed off of SE Newport Way. Parcels in the surrounding area are zoned single family residential. The residential community is designated as part of the Newcastle Subarea of the Comprehensive Plan which consists mostly of single family residences with some multi-family development, and a small number of commercial nodes.

III. Consistency With Land Use Code/Zoning

According to the survey submitted with the application, 27 trees existed on the subject property prior to short platting and plat engineering. King County Clearing and Grading Code section 16.82.156 addresses retention of trees within the Urban Growth Boundary. Per section 16.82.156.A, significant trees located in the interior of the development proposal, excluding critical areas or their buffers, shall be retained in a residential subdivision at a rate of ten trees per acre or five percent of the trees, whichever is greater.

Based on the square footage of the site (.68 acres) and the number of trees present (27), the proposal was required to retain a minimum of either 6.8 trees or 1.3 trees. The code specifies the greater of the two numbers is the requirement. The number of trees retained was rounded up to 7 trees.

Per section 16.82.156.C.3, a tree may be credited as two trees when it meets one or more of the following characteristics:

- a. the tree is eighteen inches or greater in diameter;
- b. the tree is located in a grouping of at least five trees with canopies that touch or overlap;
- c. the tree provides energy savings through winter wind protection or summer shading as a result of its location relative to buildings;
- d. the tree belongs to a unique or unusual species;

- e. the tree is located within twenty-five feet of any critical area or required critical area buffers; or
- f. the tree is listed on a historical register

The applicant is proposing to retain four trees on site, a 40 inch Douglas Fir, a 16 inch Western Red Cedar, a 22 inch Western Red Cedar and a 36" Fir. As three of these trees are greater than 18 inches in diameter they are counted as two trees. Therefore, the effective tree retention with this short plat amendment is 7 trees.

King County Code section 16.82.156.C.1 requires the applicant to determine the final tree retention plan does not include significant trees unable to survive more than ten years after the date of project completion due to damage, disease, safety hazards due to potential root, trunk or primary limb failure, windfall or age in relation to the normal lifespan of the tree species. The applicant has provided an arborists report from Tom Hanson, a certified arborist with the International Society of Arboriculture, specifically addressing the four trees to be retained. The arborist has inspected the trees and assessed them to be capable of surviving 10 years, as they do not exhibit indications of disease, safety hazards or normal life span limitations.

The proposed short plat amendment will not have any effect on required dimensional requirements or density per the King County code. These lots are now located within the City of Bellevue R-3.5 zoning district after the annexation. Although these lots do not meet the dimensional requirements of the City of Bellevue Land Use Code, development on the lots is vested to the dimensional requirements of King County under which they were created for 5 years.

IV. Summary of Technical Reviews

The Transportation, Fire, Utilities Departments and the Development Services Clear and Grade Division have also approved this Final Plat Amendment.

V. Public Notice

Application Date: March 24, 2016

Public Notice (500 feet): June 9, 2016 (Includes sign installation at the site)

Minimum Comment Period: June 23, 2016

Notice of Application was published in the City of Bellevue's *Weekly Permit Bulletin* and the *Seattle Times* on June 9, 2016. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. One informational phone call was received from the regarding this application, but there were no parties of record.

VI. Decision Criteria:

20.45B.240 Final short plat – Revision.

B. Short subdivisions may be revised in accordance with the following requirements:

1. All affected ownership interests within the originally recorded short subdivision must be a party to the revision application, or must express written agreement to the proposed revision, including written agreement to accept ownership of any property, or to transfer or convey ownership of any property, which may be necessary as a result of the revision.

Finding: The applicant is the owner of all lots within this recorded short subdivision. As such, this application serves as written agreement of all affected ownership interests being party to the requested revision. No transfer of property is proposed or necessary.

2. Any features contained in the original short subdivision which have been relied upon in subsequent land development or land use planning decisions and which are still applicable at the time of application shall be incorporated in the short subdivision revision, unless such features are provided by other legal means at the time of short subdivision revision.

Finding: All features contained in the original final short plat approval, including the revised Tree Preservation Plan, are required to be incorporated into the final short plat mylar which shall be titled Supplemental Declaration of Lakecrest Division II Short Plat. See Conditions of Approval in Section VIII.

3. Procedures and requirements established by this chapter for preliminary short subdivision approval shall be applicable to revision requests. Revisions shall comply with applicable conditions and provisions of the original plat or short plat and shall not adversely affect access, easements, or any land use requirements as provided for in the laws of the City.

Finding: The Lakecrest Division II Final Short Plat Amendment was processed per the requirements of KCC 19A.16.080. This amendment complies with the tree retention requirements communicated in with KCC16.82.156.A.4. All other applicable conditions and provisions of the original short plat remain unaffected. The amendment to modify the number of trees to be retain on site will not adversely affect access, easements, or any other land use requirements.

4. Approval of any revision shall be filed and recorded as a supplemental declaration of short subdivision which shall contain the adjusted legal description and shall be effective upon being recorded by the Department of Planning and Community Development with the King County Department of Records and Elections and upon receipt of proof of recording.

Finding: The applicant is required to record a supplemental declaration of short subdivision

containing the adjusted legal description(s) as a condition of approval of this permit. See Conditions of Approval in section VIII.

VII. Conclusion and Decision:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Development Services Director does hereby **approve** the Lakecrest Division II Final Short Plat Amendment with conditions.

VIII. Conditions of Approval:

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances including but not limited to:

1. Incorporation of Features in Original Lakecrest Division II Short Plat

All features contained in the original final short plat approval, including the revised tree preservation plan and retention language, shall be incorporated into the amended final short plat mylar.

AUTHORITY: Land Use Code 20.45B.240

REVIEWER: Carol L. Orr, Development Services Department

2. Tree Retention Plan and Replacement

The applicant shall retain all trees on the property shown on the Tree Retention Plan as revised and approved by this permit. Any tree which does not survive 10 years, as required by King County code, shall be replaced with a minimum of two trees. Replacement trees shall be species which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site.

AUTHORITY: Land Use Code 20.20.900

REVIEWER: Carol L. Orr, Development Services Department

3. Recording of the Supplemental Declaration of Lakecrest Division II Short Plat

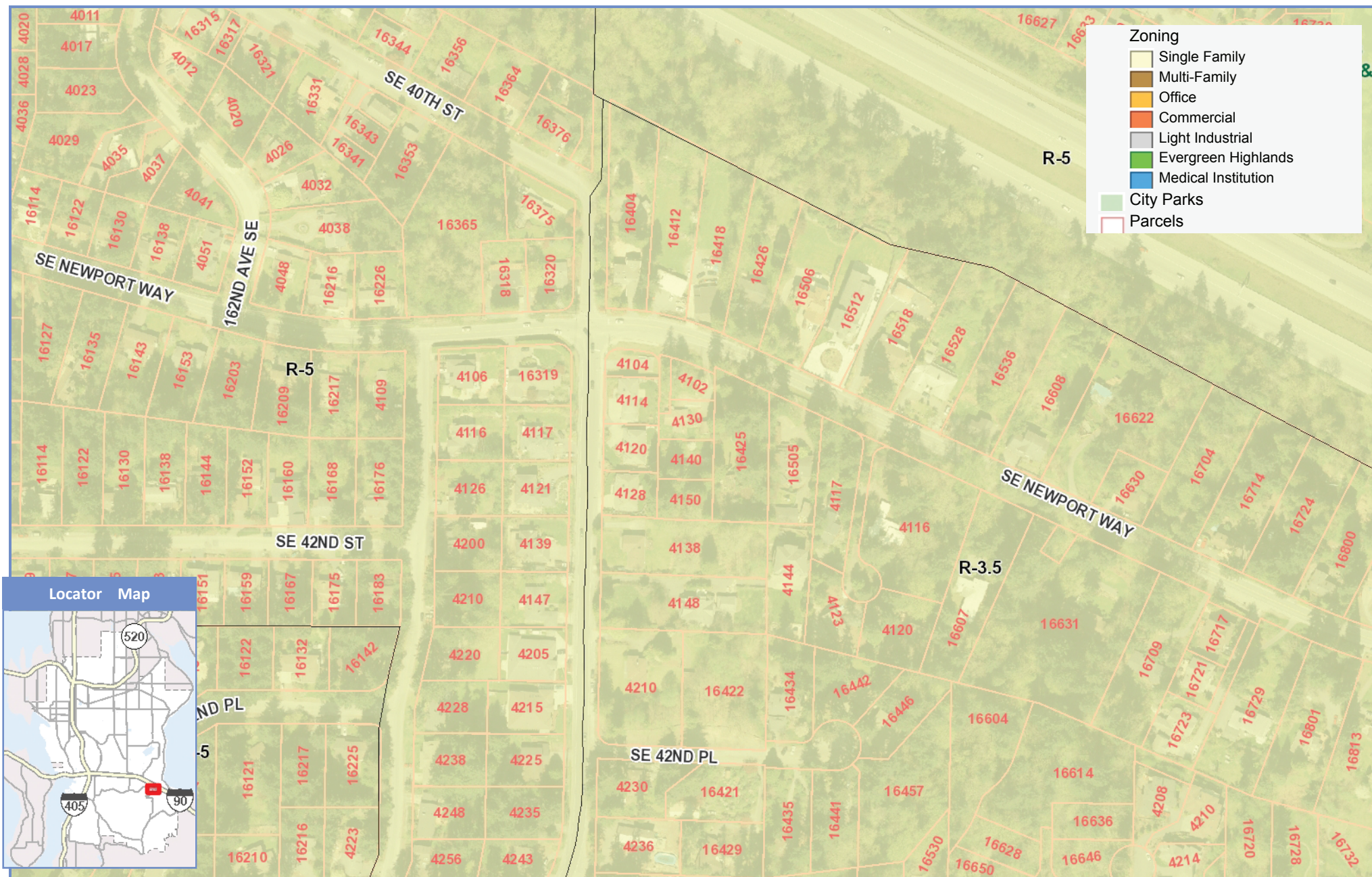
The applicant shall record the Supplemental Declaration of Lakecrest Division II Short Plat mylar with the King County Department of Records and Elections.

AUTHORITY: Land Use Code 20.45B.240

REVIEWER: Carol L. Orr, Development Services Department

LIST OF ATTACHMENTS

- A. Zoning Map
- B. Vicinity Map
- C. Tree Preservation Map



Lakecrest Division II

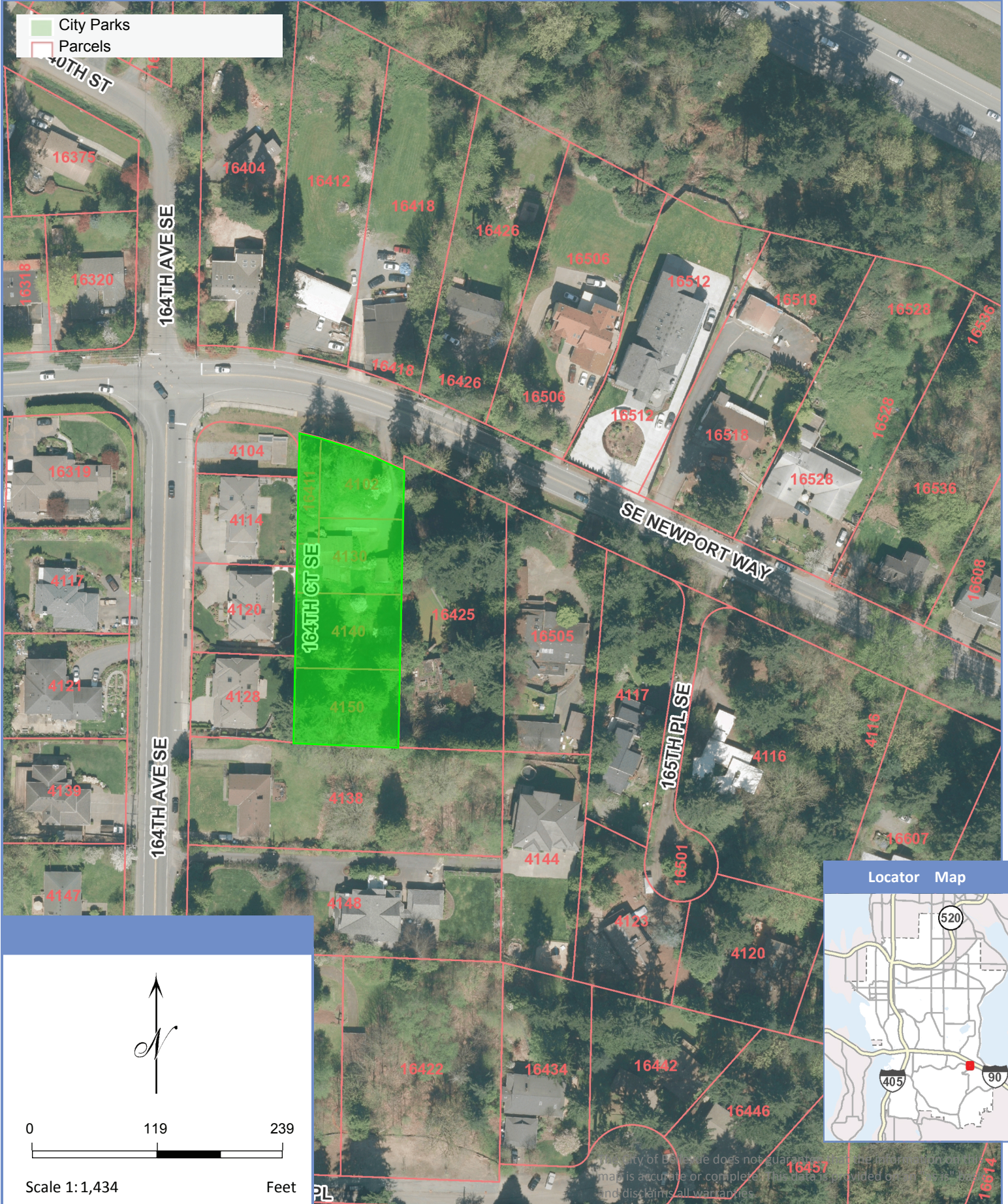
16-126973-LF

Lakecrest Division II

4130, 4140 and 4150 164th Crt SE



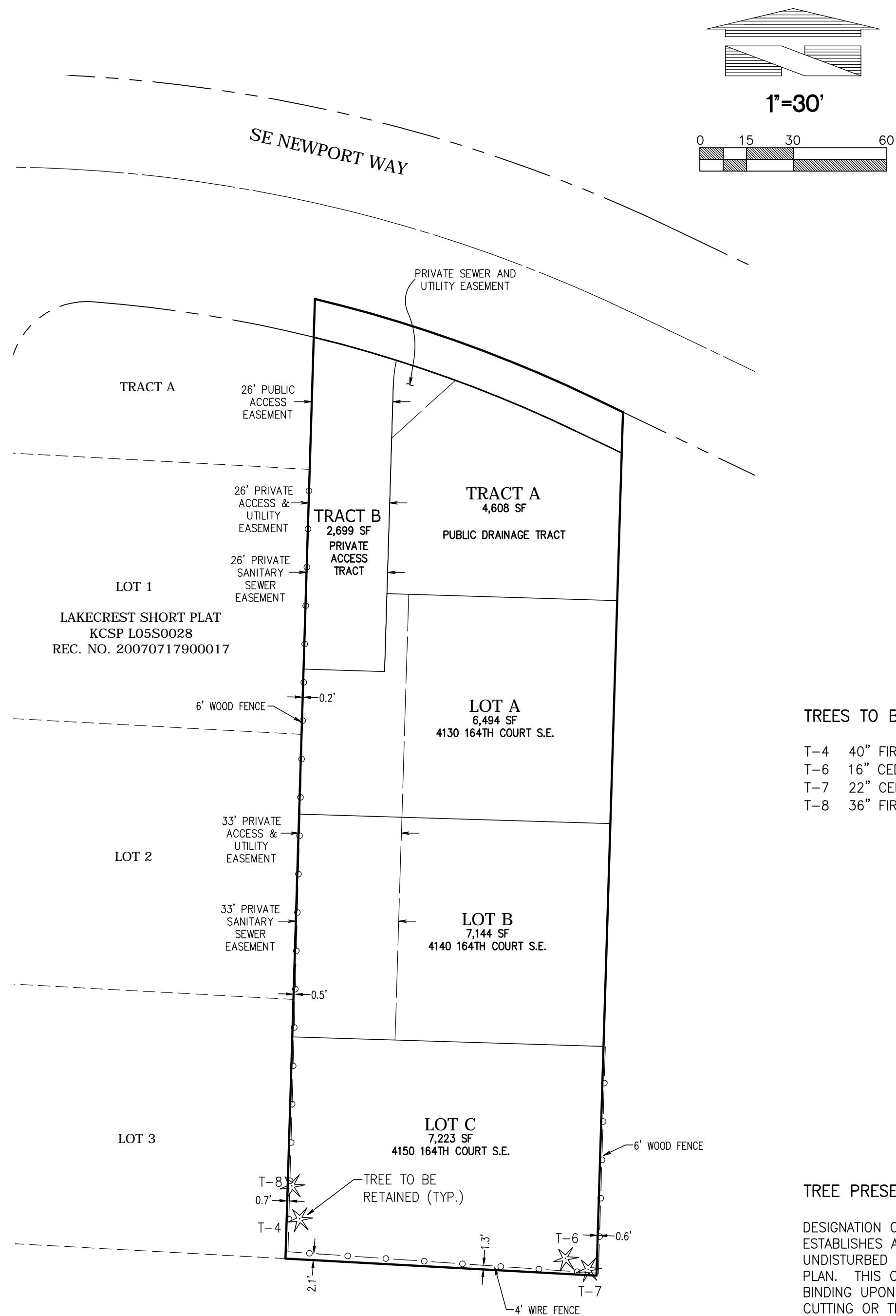
- City Parks
- Parcels



Locator Map



The City of Bellevue does not guarantee the accuracy or completeness of the information on this map. The data is provided "as is" and the City of Bellevue disclaims all warranties.



TREES TO BE RETAINED

T-4 40" FIR
T-6 16" CEDAR
T-7 22" CEDAR
T-8 36" FIR

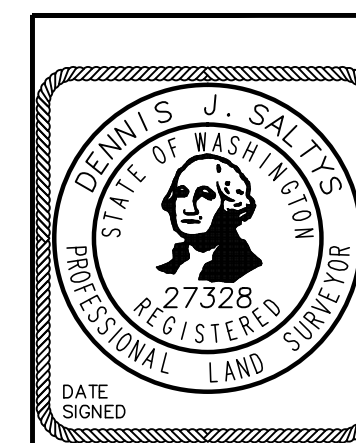
TREE PRESERVATION PLAN

DESIGNATION OF TREES ON THE TREE PRESERVATION PLAN ESTABLISHES A COVENANT BY THE OWNER TO LEAVE UNDISTURBED ALL TREES AS SHOWN ON THE TREE PRESERVATION PLAN. THIS COVENANT SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON ALL FUTURE OWNERS. NO TREE TOPPING, TREE CUTTING OR TREE REMOVAL SHALL OCCUR UNLESS REQUIRED OR APPROVED BY THE CITY. EXCEPT FOR ORDINARY LANDSCAPE MAINTENANCE, NO CONSTRUCTION, CLEARING OR LAND ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE DRIP-LINE OF TREES SHOWN ON THE TREE PRESERVATION PLAN, UNLESS REQUIRED OR APPROVED BY THE CITY. ACTIVITIES IN VIOLATION OF THIS COVENANT ARE SUBJECT TO PENALTY, INCLUDING WITHOUT LIMITATION, FINES AND MITIGATION REQUIREMENTS. THE CITY OF BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THE REQUIREMENTS, TERMS AND CONDITIONS OF THIS COVENANT BY ANY METHOD AVAILABLE UNDER LAW. IT IS THE OBLIGATION OF THE OWNER TO COMPLY WITH THE TERMS OF THE TREE PRESERVATION PLAN AND THIS COVENANT.

CURRENT SPECIAL EXCEPTIONS

CHICAGO TITLE INSURANCE COMPANY
GUARANTEE NO. 0061082-06 2ND REPORT DATED MARCH 7, 2016

- EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: KING COUNTY, WASHINGTON PURPOSE: SLOPES
RECORDING DATE: SEPTEMBER 29, 1972 RECORDING NO.: 7209290172
(UNABLE TO LOCATE ON THIS SURVEY)
- AN EASEMENT FOR SIDE SEWER AFFECTING THE PORTION OF SAID PREMISES STATED HEREIN AND CONTAINING A PROVISION FOR BEARING EQUAL COSTS OF MAINTENANCE, REPAIR OR RECONSTRUCTION OF SAID COMMON SEWER BY THE USERS:
WIDTH: 6 FEET LOCATION: AS CONSTRUCTED
RECORDED: MAY 7, 1997 RECORDING NUMBER: 9705070286
(UNABLE TO LOCATE ON THIS SURVEY)
- COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES AND STATEMENTS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON SAID SUBDIVISION. (UNABLE TO LOCATE ON THIS SURVEY)
- COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON CITY OF BELLEVUE SHORT PLAT 14-142403 LF: RECORDING NO: 20141223900009 (SHOWN)
- ANY RIGHTS, INTERESTS, OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY SHORT PLAT,
RECORDING DATE: DECEMBER 23, 2014 RECORDING NO.: 20141223900009
MATTERS SHOWN: FENCES DO NOT CONFORM TO LOT LINES (SHOWN)
- COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND LIABILITY FOR ASSESSMENTS, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT
RECORDING DATE: MARCH 3, 2016 RECORDING NO.: 20160303000311
(UNABLE TO LOCATE ON THIS SURVEY)
- AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:
BETWEEN: OWNERS AND: FUTURE OWNERS
RECORDING DATE: JANUARY 28, 1959 RECORDING NO.: 4991027
REGARDING: WILLOW RIDGE WATER ASSOCIATION (UNABLE TO LOCATE ON THIS SURVEY)
- TERMS AND CONDITIONS OF NOTICE OF CHARGES BY WATER, SEWER, AND/OR STORM AND SURFACE WATER UTILITIES, RECORDED UNDER RECORDING NUMBERS 9612200938. (UNABLE TO LOCATE ON THIS SURVEY)
- 9-20. NOT APPLICABLE TO BE SHOWN ON SURVEY.



18215 72ND AVENUE S.
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND
PLANNING, SURVEYING,
ENVIRONMENTAL SERVICES

JOB NO. 17932



City of Bellevue

FINAL SHORT PLAT NO. **16-126973-LF**

SHEET 3 OF 3